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JUN 26 1930

Mr. Charles Curtis,

The Vice President's Cabinet.

Dear Mr. Vice President:

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I have your communication of June 17, 1930, with enclosure, from Mr. G. W. Murphy, of Bakersfield, California, relative to certain lands in California.

The odd numbered sections in township 20 south, ranges 21, 22, and 23 east, M. D. M., California, mentioned by your correspondent, are within the place limits of the Main Line Grant, Southern Pacific Railway Company, Act of July 27, 1880 (14 Stat., 200),. Maps of the road, as constructed (no maps of definite location having previously been filed), were filed June 19, 1874, and February 15, 1876. Patents were issued to the railroad company in due course for these sections except as to the land in the patented Ranch El Tujon and in a few mining claims and tracts formally adjudged to be mineral in character.

Substantially all the land in the even numbered sections in these townships, not within the limits of the Ranch El Tujon, have been patented to individual enterprisers or have passed by grant to the State.

The mineral rights in the land passed to the railroad company and to the other patentees, except in those cases in which the mineral rights were retained by the United States, as in patents issued on stock grazing homestead entries. No Federal appropriating is available for financing the building of reservoirs in California.

In regard to purchasing some of these lands for the El Tujon Indians it may be said that by a decision of the United States Supreme Court June 9, 1894, in the case of United States of America, Appellant, v. Title Insurance and Trust Company, et al. (165 U. S., 474), the court held that title to the land occupied by these Indians was in the Title Insurance and Trust Company, et al., and that the Tujon Indians had no legal or valid title thereto or occupancy thereof. The company did not care to sell any of its lands.

*Initialing Copy-for File*

However, the owners have been leasing to the Tejon Band the particular tracts, it is assumed, occupied by the Indians, for a nominal consideration of \$1.00 per year. This procedure is, of course, merely for the purpose of having the Indians recognize the lessors as owners of the property.

Correspondence in our files indicates that the Indians of the Tejon Rancho are free to do as they please without let or hindrance in regard to the privately owned lands which they occupy. As the situation in this case is viewed these Indians are generally industrious, self-supporting and contented under present conditions, and have not made any request or demand that lands be purchased for them or that conditions be changed, consequently, I question the wisdom of disturbing them in their present occupancy of the privately owned lands or in any way disrupting their evident orderly and peaceful mode of living.

We do not have an appropriation available that could be used in purchasing section 18, township 10 south, range 21 east, Kern County, for the especial use of Charles M. Mori and Juan R. Landa, who are mentioned by Mr. Harvey.

Your enclosures are returned herewith.

Very truly yours,

(Sgd.) RAY LYMAN WILBUR

6-MS-24

Enclosure 876L